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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,488	03/21/2001	Ronald Neufert	GR 98 P 3721 P	4628
24131	7590	09/09/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			TRAN, DIEM T	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 09/814,488	Applicant(s) NEUFERT, RONALD	
	Examiner Diem Tran	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 24 June 2005.
- 2a)  This action is **FINAL**. 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-14 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some \* c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This office action is in response to the Request for Reconsideration filed on 6/24/05.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

*Claims 1, 4-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmelz (US Patent 5,628,186).*

Regarding claims 1, 4-9, Schmelz discloses an exhaust-gas cleaning installation for a combustion system, comprising:

a catalytic converter (8) through which exhaust gas from a combustion system can flow;  
a metering device (24) for introducing a reagent (26) into the exhaust gas (see Figure 1);  
and a monitoring unit connected to said metering device for calculating a quantity of NO<sub>x</sub> pollutant emitted from the combustion system per unit time from operationally relevant parameters of the combustion system using a functional relationship (see col. 3, lines 6-16, 26-45); said monitoring unit having an interface to be connected to an external measuring for transmitting at least one of the functional relationship and values for the operationally relevant parameters in the form of data through said interface between said monitoring unit and the external measuring (see col. 7, lines 53-65), for checking and; if appropriate, correcting the

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functional relationship with the external measuring (see col. 3, lines 8-25, col. 4, lines 1-15, 26-40, 48-67, col. 5, lines 53-67, col. 6, lines 1-3).

Regarding claim 10, Schmelz further discloses measuring the pollutant in an exhaust gas stream upstream of the catalytic converter (see col. 8, lines 1-25).

Regarding claims 11, 12, Schmelz further discloses performing a pollutant measurement (20) in the exhaust-gas stream downstream of the catalytic converter and determining activity of the catalytic converter (see col. 9, lines 63-67, col. 10, lines 1-25).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*Claims 2, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmelz (US Patent 5,628,186).*

Regarding claims 2, 3, Schmelz discloses all the claimed limitations as discussed in claim 1 above; however, fails to disclose that said interface is a plug or screw connection. It is obvious for one having ordinary skill in the internal combustion engine art to realize that the Input/Output (I/O) unit in a computer includes an interface where a plug or screw connection is utilized for attaching an input or output signal wire.

*Claims 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmelz (US Patent 5,628,186) in view of Sawada (US Patent 5,983,629).*

Regarding claims 13, 14, Schmelz discloses all the claimed limitations as discussed in claims 11, 12 above, however, fails to disclose emitting a signal to a display device if the catalyst activity falls below a fixed value. Sawada teaches that it is conventional in the art, to emit a signal to a display device if the catalyst activity falls below a fixed value (see col. 6, lines 1-2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have utilized the teaching of Sawada in the Schmelz device, since the use thereof would have provided a means to signal a malfunction of the catalytic converter to the users.

#### *Response to Arguments*

Applicant's arguments filed on 6/24/05 have been fully considered but they are not persuasive. Applicant argued that the Schmelz reference fails to disclose the monitoring unit having an interface to be connected to **an external measuring**. Applicant argued that the monitoring unit using the measurement location (5) and the sensors in Schmelz reference are an internal part of the exhaust gas cleaning system (see Figure 1). The Examiner respectfully disagrees, since the Applicant's specification discloses that the external measuring has the exhaust gas testing installation (30) including pollutant sensors (34, 36) (see Figure). The sensor (36) in the Figure of the Applicant's specification is at the same location as the sensor at the location (6) in the Schmelz reference (see Figure 1). Accordingly, the system shown by Schmelz has too an external measuring as claimed.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### *Conclusion*

Any inquiry concerning this communication from the examiner should be directed to Examiner Diem Tran whose telephone number is (571) 272-4866. The examiner can normally be reached on Monday -Friday from 8:00 a.m. - 5:30p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (571) 272-4859. The fax number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for

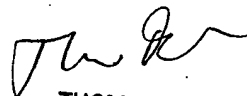
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unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 800-786-9199 (toll-free).



Diem Tran  
Patent Examiner  
Art unit 3748

DT  
September 1, 2005



THOMAS DENION  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700